



Control Number: 48785



Item Number: 29

Addendum StartPage: 0

SOAH CONSOLIDATED DOCKET NO. 473-19-1265

PUC CONSOLIDATED DOCKET NO. 48785

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JOINT APPLICATION OF ONCOR §  
ELECTRIC DELIVERY COMPANY §  
LLC, AEP TEXAS INC., AND LCRA §  
TRANSMISSION SERVICES §  
CORPORATION TO AMEND THEIR §  
CERTIFICATES OF CONVENIENCE §  
AND NECESSITY FOR 345-KV §  
TRANSMISSION LINES IN PECOS, §  
REEVES, AND WARD COUNTIES, §  
TEXAS (SAND LAKE TO SOLSTICE §  
AND BAKERSFIELD TO SOLSTICE) §

BEFORE THE STATE OFFICE OF  
PUBLIC UTILITY COMMISSION  
FILING CLERK

OF

ADMINISTRATIVE HEARINGS

### COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Sufficiency of Notice and would show the following:

#### I. BACKGROUND

On November 7, 2018, Oncor Electric Delivery Company LLC (Oncor) and AEP Texas Inc. (AEP Texas) filed an application to amend their certificates of convenience and necessity (CCNs) for a proposed 345-kV transmission line in Pecos, Reeves, and Ward Counties (the Sand Lake to Solstice Line) in Docket No. 48785. Also on November 7, LCRA Transmission Services Corporation (LCRA TSC) and AEP Texas filed an application to amend their CCNs for a proposed 345-kV transmission line in Pecos County (the Solstice to Bakersfield Line) in Docket No. 48787. Both dockets were referred to the State Office of Administrative Hearings (SOAH) on November 14, 2018. On November 15, 2018, SOAH Order No. 1 was issued, consolidating the two applications under Docket No. 48785, in response to motions for consolidation that had been filed under PURA<sup>1</sup> § 37.0541.

The SOAH Administrative Law Judges convened a prehearing conference on November 27, 2018. In accordance with the discussion at the prehearing conference, the parties proposed a procedural schedule establishing December 5, 2018, as the deadline for Staff to file its recommendation on sufficiency of notice. Therefore, this pleading is timely filed.<sup>2</sup>

<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001–66.016 (PURA).

<sup>2</sup> Governor Abbott proclaimed December 5, 2018, a Day of Mourning in honor of Former President George H.W. Bush. Accordingly, the Commission was closed for business, and Staff's deadline was moved to December 6, 2018, under 16 Tex. Admin. Code (TAC) § 22.4(a).

## **II. SUFFICIENCY OF NOTICE**

On November 20, 2018, Oncor filed the affidavit of W. Chris Reily attesting to the provision of notice to cities, counties, neighboring utilities, the Office of Public Utility Counsel (OPUC), the Texas Department of Parks and Wildlife (TPWD), the Department of Defense Siting Clearinghouse (DOD), and landowners. On November 28, 2018, Oncor filed a second affidavit from Mr. Reily attesting to the provision of newspaper publication. Both affidavits were accompanied by copies of the notices that were mailed and published. Staff has reviewed the notices and affidavits and, as supported by the attached memorandum of David Bautista of the Commission's Infrastructure and Reliability Division, Staff recommends that Oncor's text and provision of notice satisfy the requirements of 16 TAC § 22.52(a). Therefore, Staff recommends that Oncor's notice of the Sand Lake to Solstice Line be deemed sufficient.

On November 16, 2018, LCRA TSC filed the affidavit of Sonya Strambler attesting to the provision of notice to TPWD, and on November 28, 2018, LCRA TSC filed proof of publication and proof of notice to cities, counties, neighboring utilities, directly affected landowners, OPUC, and the DOD. On December 6, 2018, LCRA TSC filed a supplemental affidavit attesting to the fact LCRA TSC has had formal contact with some landowners who were mailed notice. Further, the affidavit stated that after notice was mailed to landowners, LCRA TSC found a directly affected landowner that had not been noticed and provided notice via United States Parcel service on December 5, 2018.<sup>3</sup>

Staff has reviewed the notices and affidavits and, as supported by the attached memorandum of Blake Ianni of the Commission's Infrastructure and Reliability Division, Staff recommends that LCRA TSC's text and provision of notice satisfy the requirements of 16 TAC § 22.52(a). Therefore, Staff recommends that LCRA TSC's notice of the Solstice to Bakersfield Line be deemed sufficient.

## **III. COMMENTS ON PROPOSED TEXAS REGISTER NOTICE**

On November 21, 2018, Oncor filed a proposed form of notice to be published in the *Texas Register*. LCRA filed a proposed form of notice on December 4, 2018. Staff has reviewed the notices and recommends the following modifications:

- 1) The "Docket Style and Number" section of both notices should be amended to reflect the re-styling of the case to: "Joint Application of Oncor Electric Delivery Company LLC,

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<sup>3</sup> Staff notes that a notice provided on December 5, 2018, which includes the current intervention deadline of December 27, 2018, complies with the requirements of 16 TAC § 22.52(a)(3)(E).

AEP Texas Inc., and LCRA Transmission Services Corporation to Amend Their Certificates of Convenience and Necessity for 345-kV Transmission Lines in Pecos, Reeves and Ward Counties, Texas (Sand Lake to Solstice and Bakersfield to Solstice), Consolidated Docket Number 48785.”<sup>4</sup>

- 2) Language naming the endpoints of the proposed projects should be added to “The Application” section of both notices. Specifically, Oncor’s proposed notice should be modified as follows: “The facilities include construction of a new 345-kV double circuit transmission line on lattice steel tower structures that will connect the proposed Oncor Sand Lake Switch to the existing AEP Texas Solstice Switch. Similarly, LCRA TSC’s proposed notice should be modified to read: “The facilities include construction of a new 345-kV double circuit transmission line on lattice steel tower structures that will connect the existing LCRA TSC Bakersfield switch to the existing AEP Texas Solstice Switch.”

#### **IV. CONCLUSION**

Staff respectfully recommends that Oncor’s provision of notice of the Sand Lake to Solstice Line and LCRA’s provision of notice of the Bakersfield to Solstice Line be found sufficient and that the forms of notice proposed by Oncor and LCRA to be published in the *Texas Register* be amended as described above.

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<sup>4</sup> SOAH Order No. 1 at 3 (Nov. 15, 2018).

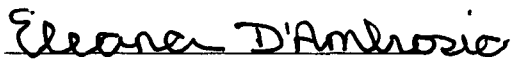
Date: December 6, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**SOAH CONSOLIDATED DOCKET NO. 473-19-1265  
PUC CONSOLIDATED DOCKET NO. 48785**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on December 6, 2018, in accordance with 16 TAC § 22.74.

  
Kennedy R. Meier

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Kennedy Meier, Legal Division  
Eleanor D'Ambrosio, Legal Division

**FROM:** David Bautista, Infrastructure and Reliability Division

**DATE:** December 6, 2018

**RE:** STAFF RECOMMENDATION  
Sufficiency of Notice  
Consolidated SOAH Docket No. 473-19-1265, Consolidated PUC Docket No. 48785; Joint Application of Oncor Electric Delivery Company LLC, AEP Texas Inc., and LCRA Transmission Services Corporation to Amend Their Certificates of Convenience and Necessity for 345-KV Transmission Lines in Pecos, Reeves, and Ward Counties, Texas (Sand Lake to Solstice and Bakersfield to Solstice)

Oncor Electric Delivery Company LLC ("Oncor") and AEP Texas Inc. ("AEP Texas") filed a joint CCN application ("Application") on November 7, 2018, for a double-circuit 345-kV transmission line in Pecos, Reeves, and Ward Counties, under Docket No. 48785. I reviewed the affidavits of notice for compliance with the notice requirements.

On November 15, 2018, the State Office of Administrative Hearings granted a motion to consolidate this docket with Docket No. 48787, which is a joint application of LCRA Transmission Services Corporation ("LCRA") and AEP Texas to amend their CCNs for the proposed Bakersfield to Solstice 345-kV transmission line in Pecos County.

The following portion of the Staff recommendation applies only to the filings of Oncor and AEP Texas for the Sand Lake to Solstice part of the newly-consolidated docket. Staff engineer Blake Ianni will address the compliance of notice for the LCRA and AEP Texas Bakersfield to Solstice portion of the project.

### **I. Compliance of Notice**

- A. I have reviewed the notices provided to landowners, county and municipal authorities, the Office of Public Utility Council, and the Department of Defense ("DOD") Siting Clearinghouse that were included with the Application as Attachments 13 and 15 as well as the affidavit of proof of notice submitted on November 20, 2018. No material deficiencies were found. No other electric utility will be served by or connected to the proposed transmission line project other than Oncor and AEP Texas. Neighboring utilities within five miles of any of the routes were also notified as stated in the affidavit of W. Chris Reily. In addition, DOD was given written notice of the public meeting. Therefore, I recommend that Oncor

and AEP Texas have complied with the requirements of 16 Texas Administrative Code (TAC) § 22.52(a)(2)-(4).

- B. I have reviewed the notice provided to the Texas Parks and Wildlife Department (TPWD) and contained within Attachment 18 of the Application. No material deficiencies were found. Therefore, I recommend that notice to TPWD complies with the requirements of 16 TAC § 22.52(a)(1)(E).
- C. I have reviewed the published notice included with the Application as Attachment 16 as well as the publishers' affidavits submitted on November 28, 2018. No material deficiencies were found. Therefore, I recommend that they comply with the requirements of 16 TAC § 22.52(a)(1).

# ***Public Utility Commission of Texas***

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## **Memorandum**

**TO:** Kennedy Meier, Legal Division  
Eleanor D'Ambrosio, Legal Division

**FROM:** Blake Ianni, Infrastructure and Reliability Division

**DATE:** December 6, 2018

**RE:** STAFF RECOMMENDATION  
Sufficiency of Notice  
Consolidated SOAH Docket No. 473-19-1265, Consolidated PUC Docket No. 48785, Joint Application of Oncor Electric Delivery Company LLC, AEP Texas Inc., and LCRA Transmission Services Corporation to Amend Their Certificates of Convenience and Necessity for 345-KV Transmission Lines in Pecos, Reeves, and Ward Counties, Texas (Sand Lake to Solstice and Bakersfield to Solstice)

LCRA Transmission Services Corporation (LCRA TSC) and AEP Texas Inc. (AEP) filed a joint CCN application on November 7, 2018, for double-circuit 345-kV transmission line in Pecos County, under Docket No. 48787. I reviewed the affidavits of notice for compliance with the notice requirements.

On November 15, 2018, the State Office of Administrative Hearings granted a motion to consolidate this docket with Docket No. 48785, which is a joint application of Oncor Electric Delivery Company and AEP Texas to amend their CCNs for the proposed Sand Lake to Solstice 345-kV transmission line in Pecos, Reeves, and Ward Counties.

The following portion of the Staff recommendation applies only to the filings of LCRA and AEP for the Bakersfield to Solstice part of the newly-consolidated docket. Staff engineer David Bautista will address the compliance of notice for the Oncor and AEP Sand Lake to Solstice portion of the project.

### **I. Compliance of Notice**

- A. I have reviewed the notices provided to landowners, county and municipal authorities, the Office of Public Utility Council, and the Department of Defense Siting Clearinghouse that were included with the Application as Attachments 5 and 7, as well as the affidavit of proof of notice submitted on November 28, 2018. No material deficiencies were found. LCRA TSC and AEP also notified neighboring utilities within five miles of any of the routes and provided the list of these noticed entities as Attachment 8. Therefore, I recommend that LCRA TSC and AEP have complied with the requirements of 16 Texas Administrative Code (TAC) § 22.52(a)(2)-(4).



- B. I have reviewed the notice provided to the Texas Parks and Wildlife Department (TPWD) and contained within Attachment 10 of the Application. The affidavit of Sonya Strambler attesting to provision of notice to TPWD was filed on November 16, 2018. No material deficiencies were found. Therefore, I recommend that the notice to TPWD complies with the requirements of 16 TAC § 22.52(a)(1)(E).
- C. I have reviewed the published notice included with the Application as Attachment 9 as well as the affidavit of proof of notice submitted on November 28, 2018. No material deficiencies were found. Therefore, I recommend that they comply with the requirements of 16 TAC § 22.52(a)(1).